



Shapiro Arato Bach LLP

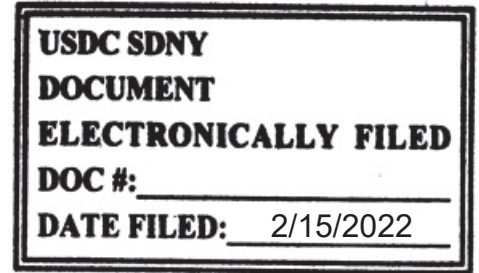
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February 15, 2022

Via ECF

The Honorable Robert W. Lehrburger
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007



Re: *Hedgeye Risk Management, LLC v. Dale*, No. 21-cv-3687 (ALC) (RWL)

Dear Judge Lehrburger:

Further to Defendants' request for immediate court intervention filed yesterday (Dkt. 168), we respectfully write to request leave to file under seal Exhibit B of a supplemental submission that details Plaintiff Hedgeye's additional tweets following our submission to the Court. Exhibit B is a tweet from Hedgeye President Michael Blum displaying an internal Hedgeye Human Resources record concerning Defendant Darius Dale from 2018.

This document contains sensitive, personal information about Defendant Dale. Hedgeye itself previously recognized the sensitivity of this document and designated it "confidential" when it was produced in discovery. Moreover, "courts have generally characterized personnel files as confidential and found it appropriate to enter protective orders governing their use in litigation because of the inherent potential for harm or embarrassment if the information they contain is revealed." *Duling v. Gristede's Operating Corp.*, 266 F.R.D. 66, 72–73 (S.D.N.Y. 2010). Accordingly, sealing is warranted here.

Respectfully submitted,

/s/ Jonathan P. Bach
Jonathan P. Bach

SO ORDERED:

2/15/2022

A handwritten signature in black ink, appearing to be 'R. Lehrburger', written over a horizontal line.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE